

Docket No. 1781-0212P  
Appl. No. 09/742,405  
Restriction Requirement dated March 31, 2004  
Reply to Office Action of December 31, 2003  
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The Examiner has required election in the present application between:

Group I, claims 1-10, drawn to minutiae extraction, in class 382, subclass 125;

Group II, claims 11-15, drawn to image registration, in class 382, subclass 294; and

Group III, claims 16-20, drawn to biological data matching, in class 382, subclass 209.

**For the purpose of examination of the present application, Applicants elect, with traverse, Group I, claims 1-10.**

In order to be responsive to the Examiner's Restriction Requirement, Applicants have elected claims 1-10 for initial examination. However, it is respectfully requested that the Examiner reconsider the Restriction Requirement since no serious burden would be presented to the Examiner by examining all of the claims in a single application.

As set forth in § 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden. Two criteria are identified for proper requirement for restriction:

1. The inventions must be independent or distinct as claimed; and
2. There must be a serious burden on the Examiner if the restriction is not required.

Applicants respectfully submit that a serious burden has not been placed on the Examiner to consider all of the claims in a single application. The Examiner is respectfully

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requested to consider all of the claims in the present application and to withdraw the restriction requirement.

In order to be responsive to the Examiner's Restriction Requirement, claims 1-10 have been elected with traverse. If the Examiner does persist in this Restriction Requirement, Applicants reserve the right to file a divisional application directed to the non-elected claims at a later date if it is so desired.

Favorable action on the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Matthew T. Shanley (Reg. No. 47,074) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

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